

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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PHILLIP SULLIVAN, JR.,

Case No.: 1:19-cv-00719

Plaintiff,

-against-

**AFFIDAVIT OF ABHIMANUE
MANCHANDA**

DOCTOR'S ASSOCIATES LLC,
GEETA FASTFOOD ENTERPRISE INC.,
and ABHIMANUE MANCHANDA,

Defendants.
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STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

ABHIMANUE MANCHANDA, being duly sworn, deposes and says as follows:

1. I am the principal of Defendant Geeta Fastfood Enterprise Inc. ("Geeta", or the "Defendant"), and the individual defendant in the above-captioned action. I submit this sworn affidavit in support of Defendants' Motion to Dismiss the second amended complaint dated January 31, 2020 of Plaintiff Phillip Sullivan, Jr. ("Plaintiff"), with prejudice, pursuant to Federal Rules of Civil Procedure ("Fed.R.Civ.P.") 12(b)(1).

2. Defendant Geeta was the former franchisee and operator of the of the Subway restaurant previously located at 223 Avenue B, New York, NY 10009 (the "Subway Premises").

3. Due to financial pressures intensified by the COVID-19 pandemic, the Subway Premises permanently closed on March 23, 2020.

4. Geeta has terminated its franchise agreement with former co-defendant, and former franchisor, Doctor's Associates LLC ("DAL"), and has permanently vacated the Subway Premises.

5. Defendants no longer own, license, franchise, and/or operate the Subway Premises; nor do they have any plans to do so in the future.

6. On September 21, 2020, I filed a final New York State Quarterly Sales Tax Form with the New York State Department of Taxation and Finance, on the basis that the Subway Premises had “closed permanently”. A true and correct copy of this NYS Quarterly ST-100 filing is annexed hereto as **Exhibit “A”**.

7. A true and correct copy of the Google webpage search results for the Subway Premises, as of the date of this Affidavit, stating that the Subway Premises has “permanently closed”, is annexed hereto as **Exhibit “B”**.

8. A true and correct copy of the Yelp webpage search results for the Subway Premises, as of the date of this Affidavit, stating that the Subway Premises has “closed”, is annexed hereto as **Exhibit “C”**.

9. A true and correct copy of the Foursquare webpage search results for the Subway Premises, as of the date of this Affidavit, stating that the Subway Premises has “permanently closed”, is annexed hereto as **Exhibit “D”**.

[Remainder of Page Intentionally Blank – Signature Page to Follow]

State of New York)
) ss.:
County of New York)

On the ____ day of _____ in the year 2021 before me, the undersigned, personally appeared Abhimanue Manchanda personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

ABHIMANUE MANCHANDA

Abhimanue Manchanda